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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROBERT AND RENEE WAAS, individuals,

Plaintiffs,

v.

RED LEDGES LAND DEVELOPMENT INC., a
Florida corporation, an individual,

Defendant.

**DECLARATION OF BRENT O. HATCH
IN SUPPORT OF STATEMENT OF
SUPPLEMENTAL ATTORNEY FEES
AND EXPENSES AND MOTION TO
AMEND JUDGMENT**

Case No. 2:20-CV-00580-TC

Judge Tena Campbell

I, Brent O. Hatch, hereby declare and state as follows:

1. I am an individual over the age of eighteen (18) and am competent to testify to the matters set forth herein. If called as a witness, I could and would testify from my own personal knowledge regarding the matters set forth in this Declaration.

2. This Declaration is provided for the purpose of supporting Red Ledges' Statement of Supplemental Attorney Fees and Expenses and Motion to Amend Judgment (the "Motion").

3. I am licensed by the State of Utah to practice law, I am admitted to practice before this Court, and I have been practicing law for more than 36 years. I have extensive litigation and trial experience, particularly in complex civil matters, and involving disputes such as those involved in this case.

4. I am the managing partner at Hatch Law Group PC (“Hatch Law Group”).

5. I have personal knowledge of the involvement of Hatch Law Group in performing legal services for Defendant Red Ledges Land Development, Inc. (“Red Ledges”) in connection with the above-captioned case. I am the partner in charge of this engagement. I have the overall responsibility for all billing at Hatch Law Group, including the preparation and maintenance of billing records.

6. For the attorney fees sought in this case, I have billed my time at the rate of \$650 per hour. This is reduced from my standard hourly rate of \$750.

7. In addition to myself, Tyler V. Snow, a senior attorney at Hatch Law Group, assisted me in defending the claims asserted by Plaintiffs. Mr. Snow was licensed by the State of Utah to practice law and was admitted to practice before this Court at all relevant times, and billed at the rate of \$400 per hour.

8. I was also assisted by certain support staff at Hatch Law Group, including Grace Bronchella, a paralegal, who billed at the rate of \$125 per hour.

9. The personnel at Hatch Law Group who assisted on this case have experience and expertise in litigating claims of the type at issue in this case.

10. Based on my experience and expertise, the complexity of these matters, the amount of damages alleged by Plaintiffs, and the work that was necessary to establish Red Ledges’ right

to, and the reasonableness of, fees and costs, I believe the above-mentioned billing rates are reasonable for attorneys practicing complex commercial litigation. I have been involved with numerous applications for attorney fees, both in state court and federal court. I am also familiar with the hourly billing rates charged by other law firms in the greater Salt Lake City area. Hatch Law Group's standard hourly billing rates are on the high end for attorneys practicing complex commercial litigation. However, like some other trial attorneys in Salt Lake City, our experience, our efficiency and our track record are such that clients pay and courts award our standard hourly rates – nevertheless I have agreed to a discount on my standard fee. It is my opinion that Hatch Law Group's professional hourly rates are reasonable generally and are reasonable for this type of case.

11. When our firm was engaged by Red Ledges, Red Ledges agreed that my firm would be reimbursed for actual costs advanced by my firm in connection with this litigation.

12. The legal work performed on behalf of Defendant since February 27, 2021, and the above individuals' contributions, including my own, are set forth in the table below, which shows the amount of time each person worked on the matter, each person's effective hourly rate for purposes of this matter, and the total amount of fees billed for their work:

| Hatch Law Group Employee name | Title | Hourly Rate | Hours Billed | Fees Billed |
|--------------------------------------|-----------------|--------------------|---------------------|--------------------|
| Hatch, Brent O. | Partner | \$650 | 13.4 | \$8,700 |
| Snow, Tyler V. | Senior Attorney | \$400 | 60.7 | \$24,280 |
| Bronchella, Grace | Paralegal | \$125 | 0.4 | \$50.00 |
| TOTAL | | | 74.5 | \$33,040.00 |

13. Attached hereto as Exhibit 1 is a copy of Hatch Law Group's billing history with respect to this matter, from February 27, 2021 through January 13, 2022. I have redacted some information from the descriptions of activities on account of the attorney-client privilege and the work product doctrine, and/or where the activities were not relevant to our defense of this case (such as if the activities were for the parties' pending arbitration). However, I have largely kept the descriptions of services intact.

14. The following actions were taken in this case, which justify the amount of work performed and the amount of fees incurred:

- a. Preparing the original motion for attorney fees;
- b. Preparing a declaration associated therewith;
- c. Preparing a reply in support of the original motion for attorney fees, including supporting Red Ledges' right to fees and the reasonableness of the fees;
- d. Work on notice of supplemental authority;
- e. Prepare "full briefing" response (as requested by the Court, ECF No. 39) to Plaintiffs' objection to Magistrate Judge Pead's award of fees; and
- f. Other related work to establish Red Ledges' right to fees.

15. Attached hereto as Exhibit 2 is a copy of costs incurred from February 27, 2021 through January 13, 2022. These costs were for the following:

- | | |
|---|----------|
| a. Fees and disbursements for printing: | \$203.70 |
| b. Legal research charges: | \$343.10 |
| c. Costs to download court filings: | \$ 6.00 |
| d. Total: | \$552.80 |

16. After reviewing Hatch Law Group's costs and fees for these services, I determined that (excepting entries on Exhibit 1 labeled "I" for "irrelevant" vis-à-vis this proceeding, which have been deducted) all of the hours devoted to establishing Red Ledges' right to fees were necessary and reasonable. I determined that all of Red Ledges' fees and costs submitted herewith are compensable.

17. I utilized a specific methodology in an effort to identify compensable fees and costs from the attorney fees and costs incurred by Red Ledges through the present. I reviewed the billing entries and files in this case and determined that all entries on the attached (excepting those entries that have been carved out) involve work towards the same goal, i.e., of Red Ledges being awarded its fees and costs associated with defending against Plaintiffs' claims.

18. Based on my experience with the claims, allegations, defenses, and contentions involved in this litigation, the amounts asserted in this action justified the time and amount of work devoted to this matter. Moreover, the results obtained justified the time and work necessary to pursue Red Ledges' right to attorney fees and costs.

19. The total amount of attorney fees incurred by Red Ledges in connection with this action is \$33,040, in addition to expenses of \$552.80, from February 27, 2021 through January 13, 2022. Based on the foregoing summary, I believe that the attorney fees and expenses incurred by Defendant, while represented by Hatch Law Group, in connection with this action are reasonable.

20. I believe that the requested amount of \$3,000 in fees associated with the filing of this motion and the anticipated reply memorandum are likely to be incurred and are also reasonable and necessary.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States and the State of Utah that the foregoing is true and correct.

DATED this 18th day of January, 2022.

By: /s/ Brent O. Hatch
Brent O. Hatch

Exhibit 1

Billing List

[Print](#) | [Close Window](#)

Codes used under Explanation column:
 I = Irrelevant in this setting
 A = Attorney-Client Privilege
 WP = Work Product Doctrine
 Partial = Partially related to this setting

INVOICED AND UN-INVOICED TIME ▼

| Date | Client Name | Project | Timekeeper | LEDES Task | LEDES Activity | Description | Hours | Rate | Amount |
|-----------|---|---------|------------|-------------|----------------|--|-------|----------|------------|
| 3/1/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | Explanation | | Answer client questions; edit draft motion for fees; edit declaration; advise re invoice redactions. | 0.80 | \$650.00 | \$520.00 |
| 3/1/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | | Review/analyze and work on motion for award of attorney fees and expenses, and Declaration of Brent Hatch in support; Make redactions to billing sheets. | 3.40 | \$400.00 | \$1,360.00 |
| 3/2/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | | Edit final version of motion for fees; edit declaration of Hatch; calls with M. Burns re same and related issues. | 2.00 | \$650.00 | \$1,300.00 |
| 3/2/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | | Review/analyze and continue to work on motion for attorney fees and declaration supporting it. | 2.50 | \$400.00 | \$1,000.00 |
| 3/3/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | | Call and advise M. Burns | 0.10 | \$650.00 | \$65.00 |
| 3/9/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | | Review/analyze and evaluate whether to agree to plaintiffs' request for an extension. | 0.10 | \$400.00 | \$40.00 |
| 3/26/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | | Review/analyze plaintiff's opposition to our motion for attorney fees. | 0.10 | \$400.00 | \$40.00 |
| 4/1/2021 | Red Ledges: Robert and Renee Waas | TS | TS | | | Evaluate strategy for our reply in support of motion for attorney | 0.20 | \$400.00 | \$80.00 |

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|----------|--|------|----|--|------|----------|------------|
| | v. Red Ledges Land Development | | | fees; Email from the client regarding the status of the case. | | | |
| 4/2/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Review/analyze the cases cited by plaintiffs in their opposition to motion to dismiss to prepare to draft reply; Email update to the client. | 0.40 | \$400.00 | \$160.00 |
| 4/6/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Review/analyze case law cited by Plaintiffs to prepare to draft reply iso motion for attorney fees. | 1.30 | \$400.00 | \$520.00 |
| 4/7/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Continue to evaluate case law regarding prevailing party to prepare to draft reply in support of motion for attorney fees. | 5.40 | \$400.00 | \$2,160.00 |
| 4/7/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Emails with the client regarding the status of the case and settlement. | 0.20 | \$400.00 | \$80.00 |
| 4/7/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | Outline arguments and advise re draft. | 0.50 | \$650.00 | \$325.00 |
| 4/8/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | Provide data and law for draft. | 0.50 | \$650.00 | \$325.00 |
| 4/8/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Review/analyze and evaluate arguments related to plaintiffs' reasonable attorney fee objection and the standard for evaluating prevailing party based on a contract provision; Prepare reply in support of motion for attorney fees and costs. | 8.40 | \$400.00 | \$3,360.00 |
| 4/9/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | PARA | | Review and file Motion to award attorney's fees, and email to relevant parties. | 0.40 | \$125.00 | \$50.00 |

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| 4/9/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Continue to work on reply in support of motion for attorney fees; Work on proposed order granting the motion; Work on request to submit. | 3.50 | \$400.00 | \$1,400.00 |
| 4/9/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | Edit brief and add new materials. | 3.00 | \$650.00 | \$1,950.00 |
| 4/12/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | Call with T. Smith re mediation/settlement. | 0.30 | \$650.00 | \$195.00 |
| | | | | I (Arbitration) | | | | |
| 4/15/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | Draft setttlement offer to Waas; correspond with M. Burns re same. | 0.30 | \$650.00 | \$195.00 |
| 4/16/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | Finalize with M. Burns and send to Waas counsel. | 0.10 | \$650.00 | \$65.00 |
| | | | | I | | | | |
| 5/4/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | A, WP | Email; Review/analyze and work on notice of supplemental authority in further support of our motion for award of attorney fees. | 1.50 | \$400.00 | \$600.00 |

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|----------|---|----|----|---------------------------|--|------|----------|----------|
| 5/5/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Partial Reduced to 1.5 | Review/analyze and continue to work on notice of supplemental authority; Review/analyze Notice of Arbitration received from Plaintiffs to evaluate [REDACTED] [REDACTED]. | 1.90 | \$400.00 | \$760.00 |
|----------|---|----|----|---------------------------|--|------|----------|----------|

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| 5/5/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | | | Edit notice of supplemental authority and direct filing. | 0.60 | \$650.00 | \$390.00 |
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| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | I (Arbitration) | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
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| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | I (Arbitration) | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
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| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | I (Arbitration) | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
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| 5/11/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | A Partial Reduced to .1 | Email [REDACTED] [REDACTED] regarding the notice of supplemental authorit [REDACTED] [REDACTED]. | 0.20 | \$400.00 | \$80.00 |
|-----------|---|----|----|-------------------------------|---|------|----------|---------|

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| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | I (Arbitration) | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
|------------|------------|------------|------------|-----------------|------------|------------|------------|------------|

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|------------|------------|------------|------------|-----------------|------------|------------|------------|------------|
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | I (Arbitration) | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
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| | | | | I (Arbitration) | | | | |
| | | | | I (Arbitration) | | | | |
| 11/8/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze and evaluate whether we have a basis to reopen dismissal order based on new Court of Appeals law; Review/analyze order granting our motion for award of attorney fees. | 1.70 | \$400.00 | \$680.00 |
| 11/8/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | | Review Court Order awarding \$71k in attorneys fees and costs; call with M. Burns. | 0.60 | \$650.00 | \$390.00 |
| 11/9/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | | Review Court Order awarding \$71k in attorneys fees and costs; call with M. Burns. | 0.50 | \$650.00 | \$325.00 |
| 11/9/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Partial Reduce to 0.4 | Review/analyze next steps in executing on our attorne fee award; [REDACTED] | 0.50 | \$400.00 | \$200.00 |
| | | | | I (Arbitration) | | | | |
| 11/18/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | WP | Review/analyze and continue to evaluate whether we need to reduce the atty fee award to a ud ment; Evaluate [REDACTED] | 1.50 | \$400.00 | \$600.00 |

██████████; Work on application for writ of execution.

| Date | Case Name | Case Type | Case Sub-Type | Case Status | Description | Hours | Rate | Amount |
|------------|--|-----------|---------------|----------------------|--|-------|----------|------------|
| 11/18/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | WP | Review [REDACTED] draft response for RL use; call with Mitchel re Waas strategy. | 0.60 | \$650.00 | \$390.00 |
| 11/19/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | Partial Reduce to .6 | Continue to evaluate how to collect our attorney fee award (including for how long the plaintiffs have to object [REDACTED]). | 0.70 | \$400.00 | \$280.00 |
| 11/22/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze Waas' objection to magistrate's ruling and the associated case law to prepare to draft our response. | 1.00 | \$400.00 | \$400.00 |
| 11/23/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Work on response to plaintiffs' objection to magistrate's ruling. | 2.30 | \$400.00 | \$920.00 |
| 11/23/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | | Review Waas objection to Magistrate atty fee order; review Order re briefing; call with M. Burns re same. | 0.50 | \$650.00 | \$325.00 |
| 11/24/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | Partial Reduce to .1 | Call with T. Smith re [REDACTED] fees issues. | 0.20 | \$650.00 | \$130.00 |
| 11/29/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze and continue to evaluate case law re: attorney fee awards to prepare to draft response to plaintiff's magistrate objection. | 4.60 | \$400.00 | \$1,840.00 |
| 11/30/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | A104: Review/analyze and continue to do research to prepare to draft response to plaintiffs' objection to magistrate's ruling. | 4.90 | \$400.00 | \$1,960.00 |

I (Arbitration)

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| 12/1/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Continue to evaluate case law regarding attorney fees to the prevailing party under Utah law to prepare response to plaintiffs' objection to magistrate ruling; Work on response to plaintiffs' objection to magistrate ruling. | 5.40 | \$400.00 | \$2,160.00 |
| 12/2/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze and continue to work on response to plaintiffs' objection to magistrate's ruling. | 4.70 | \$400.00 | \$1,880.00 |
| 12/3/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze and continue to work on response to objection filed by plaintiffs. | 2.10 | \$400.00 | \$840.00 |
| 12/6/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze and continue to work on response to Waases' objection. | 1.90 | \$400.00 | \$760.00 |
| 12/6/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | Partial Reduce to 2.2 | Edit opposition to objection; review research and further edits 2.20 ; (0.10). | 2.30 | \$650.00 | \$1,495.00 |
| | | | | I (Arbitration) | | | | |
| | | | | I (Arbitration) | | | | |
| 12/10/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | A Partial Reduce to .1 | Update to regarding the order awarding attorney fees, plaintiffs' objection, our re l , | 0.20 | \$400.00 | \$80.00 |
| | | | | I (Arbitration) | | | | |

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|----------|---|-----|-----|-----------------|--|------|-------------------|
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| | | | | I (Arbitration) | | | |
| | | | | I (Arbitration) | | | |
| 1/3/2022 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | | Review/analyze court order granting our motion for attorney fees. | 0.50 | \$400.00 \$200.00 |
| 1/3/2022 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | | Review court order and judgment granting attorneys fees; correspond with client re next steps. | 0.30 | \$650.00 \$195.00 |
| 1/5/2022 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | BOH | BOH | | Review materials from M. Burns and advise re same. | 0.20 | \$650.00 \$130.00 |
| 1/5/2022 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | TS | TS | A | Email from the client re ardin . | 0.10 | \$400.00 \$40.00 |
| | | | | I (Arbitration) | | | |
| | | | | I (Arbitration) | | | |



TOTALS

107.10

\$48,080.00

74.5

\$33,040.00

Exhibit 2

Expense List

Print | [Close Window](#)

| Date | Client Name | Project | Type | Description | Quantity | Unit Amount | Amount |
|---------------|--|----------|-------------------------|---------------------------|-----------------|-------------|-----------------|
| 3/31/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | B&W Copies | | 151.00 | 0.150 | \$22.65 |
| 4/30/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | B&W Copies | | 778.00 | 0.150 | \$116.70 |
| 4/30/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | Online Research Charges | Online Research | | | \$103.83 |
| 4/30/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | Court Xchange Downloads | Court Documents Downloads | 2.00 | 1.000 | \$2.00 |
| 5/31/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | Online Research Charges | | | | \$18.17 |
| 11/8/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | Court Xchange Downloads | Court document downloads. | 1.00 | 4.000 | \$4.00 |
| 12/31/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | Online Research Charges | Online Research. | 1.00 | 221.100 | \$221.10 |
| 12/31/2021 | Red Ledges: Robert and Renee Waas v. Red Ledges Land Development | Expenses | B&W Copies | | 429.00 | 0.150 | \$64.35 |
| TOTALS | | | | | 1,362.00 | | \$552.80 |